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DATE MAILED: 08/11/2005

APPLICATION NO.	FILING DAT	E FIRST NAMED IN	IVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,156	11/29/2000	John D. Blak	e JR.	414.039	8567
32127	7590 08/11/2005			EXAMINER	
	CORPORATE S		LEVITAN,	DMITRY	
C/O CHRIST	ΓIAN R. ANDERS	SEN			
600 HIDDEN RIDGE DRIVE				ART UNIT	PAPER NUMBER
MAILCODE HQEO3H14				2662	
IRVING, TX 75038					

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

•					
Application No.	Applicant(s)				
09/725,156	BLAKE ET AL.				
Examiner	Art Unit				
Dmitry Levitan	2662				

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ontinuation Sheet (PTOL-303)	Application No.
The MAILING DATE of this communication appears on the cover she	et with the correspondence address
THE REPLY FILED 29 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDI	TION FOR ALLOWANCE.
1. The reply was filed after a final rejection, but prior to or on the same day as filir this application, applicant must timely file one of the following replies: (1) an arplaces the application in condition for allowance; (2) a Notice of Appeal (with a (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1. following time periods:	mendment, affidavit, or other evidence, which ppeal fee) in compliance with 37 CFR 41.31; or
a) \square The period for reply expires $\underline{3}$ months from the mailing date of the final rejection.	
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the dat event, however, will the statutory period for reply expire later than SIX MONTHS from the	e mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).	WHEN THE FIRST REPLY WAS FILED WITHIN TWO
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 3 been filed is the date for purposes of determining the period of extension and the corresponding amount CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originabove, if checked. Any reply received by the Office later than three months after the mailing date of earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	ount of the fee. The appropriate extension fee under 37 plantly set in the final Office action; or (2) as set forth in (b)
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 4	1.37 must be filed within two months of the date
of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 C Since a Notice of Appeal has been filed, any reply must be filed within the time	FR 41.37(e)), to avoid dismissal of the appeal.
<u>AMENDMENTS</u>	
3. The proposed amendment(s) filed after a final rejection, but prior to the date of (a) They raise new issues that would require further consideration and/or sea (b) They raise the issue of new matter (see NOTE below);	of filing a brief, will <u>not</u> be entered because arch (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by appeal; and/or	materially reducing or simplifying the issues for
(d) ☐ They present additional claims without canceling a corresponding number	er of finally rejected claims.
NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).	· (A) 0 1: (A) (DTO) 004)
4. The amendments are not in compliance with 37 CFR 1.121. See attached Not 5. Applicant's reply has overcome the following rejection(s):	ice of Non-Compliant Amendment (PTOL-324).
Newly proposed or amended claim(s) would be allowable if submitted it.	n a separate, timely filed amendment canceling
the non-allowable claim(s).	· · · · · · · · · · · · · · · · · · ·
7. For purposes of appeal, the proposed amendment(s): a) will not be entered how the new or amended claims would be rejected is provided below or append The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	d, or b) will be entered and an explanation of ded.
Claim(s) objected to:	
Claim(s) rejected: 1-22	
Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE	
8. The affidavit or other evidence filed after a final action, but before or on the date	re of filing a Notice of Anneal will not be entered
because applicant failed to provide a showing of good and sufficient reasons w and was not earlier presented. See 37 CFR 1.116(e).	
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections showing a good and sufficient reasons why it is necessary and was not earlier	s under appeal and/or appellant fails to provide a presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the REQUEST FOR RECONSIDERATION/OTHER	claims after entry is below or attached.
 11. \infty The request for reconsideration has been considered but does NOT because: 	•
Applicant's arguments filed 07/29/05 have been fully considered by	
On page 8 of the Remarks, Applicant argues that because IAD manufactionality of PVDs.	ay be used as a PVD, establishes the
Examiner respectfully disagrees.	
It is clear from Applicant's arguments on page 8 regarding IAD a devices, therefore the attached Exhibits regarding IADs are irrelevant.	
different group of devices.	
Applicant's arguments regarding the rejection under 103 paragrap	sh are directed to the claims, as amended
after final action and therefore raise new issues that will require n	
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-	
13. Other:	O TEXTED WHO ?

Continuation Sheet (PTOL-303)	Application No.		

U.S. Patent and Trademark Office PTOL-303 (Rev. 4-05)

Advisory Action Before the Filing of an Appeal Brief

Part of Paper No. 20050809

Continuation of 3. NOTE: Independent claims 1,6 and 10, as amended, raise new issues that will require new search...